

This is only a summary intended to familiarize you with the major provisions of the Plan. You should read this summary closely. If you have any questions and before you make any important decisions based on your understanding of the Plan from this summary, you should contact the Plan administrator.

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#### **HOW TO USE THIS SUMMARY**

## Effective Date/Purpose

This booklet describes in easy-to-understand terms the principal features of the Plan as in effect on January 1, 2006. It updates and replaces any prior descriptions of the Plan. Some Plan provisions may be different for employees whose employment began prior to January 1, 2006 and were covered by the Plan as an elected or appointed official of the State of Colorado.

## Table of Contents

The table of contents gives a detailed description of where specific information concerning a particular topic may be found.

## **Glossary**

Some terms used in the summary have special meanings; capitalizing the term's first letter identifies these terms. To find out the exact meaning of a special term, there is a glossary at the end of this summary.

## More Specific Information

Some technical details and legal expressions contained in the formal Plan documents have been omitted in this summary. The formal Plan documents govern in administering and interpreting the rights of participants and their beneficiaries.

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## INTRODUCTION TO YOUR PLAN

As a new employee of the State of Colorado you have important decisions regarding your retirement savings. For most people a comfortable and secure retirement requires multiple sources of income, such as an employer's retirement plan, other tax-sheltered savings plans and personal savings. The State of Colorado has established the State of Colorado Public Officials' and Employees' Defined Contribution Plan (State DC Plan) to help provide for your retirement security. You and your Employer make contributions to the Plan on your behalf to provide you with retirement savings. These contributions accumulate tax-free until you receive a distribution from the Plan.

#### How You Save

- You contribute 8% of your Salary to the Plan.
- Your Employer contributes 10.15% of your Salary to the Plan.
- You are 100% vested in all contributions made to your Account under the Plan.
- You choose one of three Investment Providers, called "Bundled Providers" and then direct the investment of your Account.
- Money contributed to the State DC Plan is deducted before federal and state income taxes are computed. As a result, you pay less income tax now. You will pay taxes on your contributions and investment earnings when your Account is distributed to you.

#### Your Plan Account

You have your own Account under the Plan to hold all contributions made to the Plan on your behalf. Your Account also holds any investment earnings on those contributions. Your Account keeps track of your share of the assets held in the Plan.

## Vesting of Your Account

All contributions made to your Account are 100% vested. When you become eligible for a distribution of your Account you will receive 100% of your Account balance. This balance includes all money contributed by you and your Employer, adjusted for any investment earnings or losses.

Any rollover contributions you make from another qualified retirement plan into this Plan are also 100% vested.

#### Distribution of Benefits

You may receive distributions from your Plan Account when you retire, terminate employment or if you terminate employment because of disability. Your Account will be distributed to your designated beneficiary upon your death.

Distributions are not permitted prior to termination of employment. The Plan does not allow loans, hardship or in-service distributions.

#### ELIGIBILITY TO PARTICIPATE

## Eligibility Requirements

- All Employees of an Employer hired after January 1, 2006, who were NOT
  previously employed by an Employer within the last 12 months AND who were NOT
  former members in the Colorado PERA plan, are eligible to participate in the State
  DC Plan.
- PERA retirees may only participate in the State DC Plan if they are employed as an elected or appointed official.
- State Colleges, Universities and any institution under the control of the board of regents of the University of Colorado, any institution of the University of Colorado hospital authority governed by CRS 23-31-501 et seq, and their employees are not eligible to participate in the Plan.

If you were eligible to receive Employer Contributions under the Plan immediately prior to January 1, 2006, you will still be eligible to participate in the Plan on and after January 1, 2006 if you are still employed by an Employer.

## Reemployment

If your employment terminates and you are later reemployed by an Employer the following conditions apply to your eligibility to participate in the Plan:

- If you have terminated employment with an Employer for 12 months or less, you must participate in the retirement plan you were enrolled in during your prior employment.
- If you have terminated employment with an Employer for more than 12 months and you are not a PERA retiree, you may elect to participate in the State DC Plan.
- PERA retirees may not participate in the Plan upon reemployment unless they are an elected or appointed official of the State of Colorado pursuant to Senate Bill 05-073.

## Election to Participate

Once you elect to participate in the State DC Plan, your election is irrevocable and cannot be changed. If you do not make your retirement choice within the first 60 calendar days of your employment, you will be defaulted to the PERA DB Plan and will not have the opportunity to elect the State DC Plan at a later date.

If you elect to participate in the State DC Plan you are not eligible for any benefits from PERA or social security. The State DC plan is an alternative to the benefits provided under PERA.

## YOUR CONTRIBUTIONS

You are required to contribute 8% of your Salary to the Plan each month. The amount of mandatory employee contribution to the Plan is defined in the Colorado PERA statutes at C.R.S. 24-51-401.

You are 100% vested in your contributions made to your Account under the Plan.

#### Rollover Contributions

If you are a participant in the Plan, you may elect to roll over qualified distributions into the Plan. The State DC Plan accepts eligible rollover distributions from eligible retirement plans as defined in Code Section 402(c). Generally, rollovers from a qualified retirement plan, individual retirement account, a 403(b) annuity plan, and 457 deferred compensation plan are eligible for rollovers into the Plan.

Your Rollover Contributions are subject to all the terms and conditions of the Plan and are only distributable to you under the terms of the Plan.

#### • Rollover Procedures

If the distribution qualifies, you may roll it over into the Plan by delivering it (or having it delivered) to the Investment Provider you have chosen. If you actually receive distribution of the amount you are rolling over, your Rollover Contribution must be delivered to the Investment Provider within 60 days of the date you received it.

#### **EMPLOYER CONTRIBUTIONS**

The State of Colorado makes Employer Contributions to your Account equal to 10.15% of your Salary as defined in the PERA statutes, C.R.S. 24-51-101(42). You are not taxed on any Employer Contributions made to your Account until distribution is made to you.

If an Employer is required to make amortization equalization disbursements to PERA pursuant to C.R.S. 24-51-411, those AED disbursements continue to be paid by your Employer to the PERA DB plan even though you are not covered by the PERA DB plan and you are not eligible for any PERA benefits.

### Vested Interest in Employer Contributions

Your Vested Interest in the Employer Contributions in your Account is always 100%.

#### **IRS Limits On Contributions**

The Code limits the amount that an Employer can contribute to the Plan each year. Under Code Section 415 your employee and employer contributions to the Plan cannot exceed the lesser of \$40,000 or 100% of your compensation as defined in Code Section 415(c)(3). All contributions made by your Employer to all qualified retirement plans, including the PERA 401(k) and PERA DC plan are included in this contribution limit. Contributions to the State 457 Plan are not included in the Code Section 415 limits; however, contributions to the State 457 Plan are subject to a separate annual maximum contribution amount. For more details on the IRS rules limiting contributions see IRS Publication 575, Pension and Annuity Income, which is available on the IRS website at www.IRS.gov.

IRS rules limit the Salary that may be included under the Plan each year. For 2005, the maximum amount is \$210,000 (this limit may be adjusted annually). No employer or employee contributions are made to the Plan for Salary exceeding the IRS limit.

## PLAN ADMINISTRATION AND INVESTMENTS

#### Plan Administration

#### • Investment Providers

The Colorado statutes governing the State DC Plan require that the Committee select three separate Investment Providers to provide administrative services and investment options to Plan participants. The Investment Providers are selected by the Committee through a competitive RFP process and may change from time to time. You are only allowed to select an Investment Provider that has been approved and contracted with by the Committee.

#### • Changing Investment Providers

Each year during the annual open enrollment period, you may change the Investment Provider that administers your Account. You may only select one Investment Provider to administer your Account during the Plan year.

#### Where Plan Contributions are Invested

You direct how the contributions made to your Account are invested in the funds made available by the Investment Provider. The Administrator will provide you with a description of the different funds available. New investment funds may be added and existing funds may be changed. The Administrator will update the description of the available funds to reflect any changes.

#### **Making Investment Elections**

#### • Investment Elections

When you become eligible to participate in the Plan, you must notify the Investment Provider of your investment choices, according to the rules established by the Administrator and the Investment Provider. Your investment election must specify the percentage of contributions to your Account that will be invested among the available investment funds.

## • Failure to Direct Investments

If you do not choose how contributions to your Account should be invested, the contributions will be invested among the default investment fund(s) selected by the Investment Provider you designated.

## • Change of Investment Elections

You may change how contributions to your Account are invested. This change will be effective as of the business day the Investment Provider receives your instructions. To perform this transaction you must notify the Investment Provider according to the rules established by the Investment Provider.

#### Transfers Between Funds

You may transfer both your existing Account balances and future contributions among funds offered by your selected Investment Provider. Any transfers will be effective as of the business day the Investment Provider receives your instructions. To make a transfer, you must notify the Investment Provider according to the rules established by the Investment Provider.

#### • Restrictions on Transfers

In order to prevent excessive or abusive trading or "market timing", each Investment Provider may establish rules that limit the number of transfers that you can make during a specified period or that otherwise prevent this abuse. For more information, you should contact the Investment Provider.

#### VALUING YOUR ACCOUNT

The Investment Provider periodically adjusts the Value of your Account to show any earnings or losses on your investments, any distributions that you have received, and any contributions that have been made to your Account since the preceding adjustment date. This adjustment is made on the date or dates specified by the Employer.

The value of your Account may increase or decrease at any time due to investment earnings or losses. You are only entitled to receive from the Plan the value of your Account on the date distribution is made to you. That value will be determined on the adjustment date immediately preceding the date of distribution and may be larger or smaller than the value determined on any other adjustment date. Neither the Investment Provider, the State, the Committee, nor the Employer guarantees your Account from investment losses.

## DISTRIBUTION OF YOUR ACCOUNT

#### Distribution to You

If your employment with an Employer terminates, the Plan allows you to receive a distribution of your Account. No distributions are permitted from the Plan prior to termination of employment. The Plan does not permit loans, hardship withdrawals or inservice distributions.

If you terminate employment before reaching age 55 and elect to receive a distribution from your Account before reaching age 59 1/2, you may be subject to a 10% penalty tax on your distribution. Distributions from the Plan that are not directly rolled over into an IRA or qualified retirement plan are subject to mandatory 20% federal income tax withholding.

You should consult your own tax advisor to determine what taxes and penalties apply to you.

You may postpone distribution of your account balance until April 1 of the calendar year following the later of the calendar year in which you reach age 70 ½ or retire.

If you have terminated employment, but have not yet reached April 1 of the calendar year following the calendar year in which you reach age 70 1/2, you may elect to receive a partial distribution of any portion of your Account.

#### • Application for Distribution

Unless your Account is cashed out as described below, distribution of your Account will not be made until April 1 of the calendar year following the calendar year in which you reach age 70 1/2 or retire, whichever is later, unless you have filed an earlier application for distribution with the Administrator.

## Required Distribution

Internal Revenue Code rules require that distribution of your Plan account begin no later than the April 1 following the close of the calendar year in which you reach age 70 1/2 or retire, whichever is later.

## Distribution to Your Beneficiary

If you die before distribution of the full Account balance has been made to you, distribution of your Account will be made to your Beneficiary. Distribution to your Beneficiary must be made no later than the end of the fifth calendar year beginning after your death.

If distribution of your Account is to be made to your Beneficiary by purchase of an annuity contract from an insurance company or in a series of installment payments, then distribution to your Beneficiary for federal income tax purposes must begin:

- if your Beneficiary is your spouse, no later than the end of the first calendar year beginning after your death or the end of the calendar year in which you would have reached age 70 1/2, whichever is later; or
- if your Beneficiary is someone other than your spouse, no later than the end of the first calendar year beginning after your death.

The delay in the date distribution must begin to your spouse applies only if your spouse is your sole Beneficiary under IRS rules. Generally, your spouse is your sole Beneficiary only if (1) your spouse is entitled to your full Account or a segregated portion of your Account and (2) no other Beneficiary is entitled to any portion of your spouse's interest unless your spouse dies before receiving full distribution of that interest.

## Cash Outs of Accounts

If the Value of your Vested Interest in your Account is \$1,000 or less, at the time of your termination of employment, your Account will be "cashed out" by distributing your Account in a single-sum payment shortly after you terminate employment. Your Account will be cashed out even if you do not consent to the distribution. You will be notified of the upcoming distribution so you may decide to roll the money into an IRA or other qualified retirement plan.

## FORM OF PAYMENT

### Form of Payment to You

The Plan provides several different ways for you to take distribution of your Account under the Plan.

- **Single-sum payment:** Distribution of your Account will be made to you in one payment.
- ♦ Installment payments: Distribution of your Account will be made to you in a series of installment payments over the period you specify. Under federal law, however, the maximum period over which installment payments may be paid cannot exceed your life expectancy or the joint life expectancies of you and your Beneficiary. Installment payments will be made in reasonably equal amounts, except as necessary to reflect increases or decreases in the Value of your Account.
- ◆ Annuity contract: Distribution of your Account will be made to you through the purchase of an annuity contract from an insurance company. The Plan provides the following single life and joint and survivor annuity options:
  - A *single life annuity* (payments are made to you for life and end at your death).
  - ♦ A 50% joint and survivor annuity (payments are made for your life and, if your spouse to whom you were married when payments started survives you, payments equal to 50% of what you were receiving continue to your spouse for life).
  - **Direct rollover:** If your distribution is eligible for rollover into an IRA or other eligible retirement plan, you can elect to have the distribution transferred directly into the IRA or other eligible plan. A full or partial distribution of your Account balance is eligible for rollover except:
    - the value of a total distribution is less than \$200
    - the value of a partial distribution is less than \$500
    - any distribution that is required under the Internal Revenue Code.
    - any distribution that is one of a series of installment payments made over your life, the life of you and your spouse, or for a specified period of 10 or more years.

## Form of Payment to Your Beneficiary

If you die while still a participant in the State DC Plan, distribution of your Account will be made to your Beneficiary. Your beneficiary may choose to have the Account balance paid to them in any of the forms of payment available under the Plan if you die after distribution of your Account has begun in a series of installment payments, but before distribution of the full Value of your Vested Interest in your Account is made, installment payments will continue to your Beneficiary after your death.

## YOUR BENEFICIARY UNDER THE PLAN

You may designate a Beneficiary on the form provided by the Investment Provider so your Beneficiary can receive distribution of your Account if you die.

#### • Beneficiary Where There is No Designated Beneficiary

If you die without properly designating a Beneficiary or if no Beneficiary survives you, your Beneficiary will be your surviving spouse or, if you have no surviving spouse, your surviving children in equal shares, or if you have no surviving children, your estate.

### **CLAIMS FOR BENEFITS**

In order to receive a distribution of your Account, you will need to submit an application for a distribution to the Investment Provider. The Plan Administrator will verify that you are eligible for a distribution from the Plan and will direct the Investment Provider to make a distribution according to your request.

If you believe you are entitled to a benefit or have a claim against the Plan, you can file an appeal or claim for benefits with the Committee at the office of the Plan Administrator. The Committee will determine if your claim or appeal should be granted and will notify you of its decision.

#### AMENDMENT AND TERMINATION OF THE PLAN

#### • Plan Amendment

The General Assembly of the State of Colorado reserves the right to amend the Plan, either prospectively or retroactively.

#### • Plan Termination

The General Assembly of the State of Colorado reserves the right to terminate the Plan at any time.

## MISCELLANEOUS INFORMATION

## Type of Plan

The Plan is a "defined contribution plan". Under a "defined contribution plan", all contributions you make to the plan or that are made on your behalf are held in an account that is invested on your behalf. When you retire, your retirement benefit from the Plan will be based on the value of your Account (including investment earnings and losses) at the time distribution is made to you.

The Plan is a "qualified retirement plan" under Code Section 401(a) and is required to comply with certain rules governing qualified retirement plans.

The Plan is also a "money purchase pension plan". Under a "money purchase pension plan", the Employer is required to make contributions to your account each month if you satisfy the Plan's eligibility requirements. The amount of the contribution is specified in the Colorado PERA statutes at C.R.S. 24-51-401.

The Plan is also a "governmental plan" under Code Section 414(d). A governmental plan is not subject to some of the fiduciary and other rules applicable to plans maintained by non-governmental employers. The Plan is exempt from the requirements of the Employee Retirement Income Security Act (ERISA) and the Pension Benefit Guaranty Corporation (PBGC) does not insure benefits under the Plan.

## Colorado Statutes Governing the Plan

The State DC Plan is governed by Colorado statutes at C.R.S. 24-52-201 et seq. Contributions to the Plan and the amount of salary covered under the Plan are defined in the statutes governing the Colorado Public Employees' Retirement Association, at C.R.S. 24-51-101 et seq. This summary only explains the important features of the Plan. The terms of the Plan are governed by the legal Plan document for the State of Colorado Public Officials' and Employees' Defined Contribution Retirement Plan and the Colorado statutes governing the Plan. In the event of a conflict between this Summary, the Plan document and the statutes, the Colorado statutes will control, then the Plan document and finally this Summary.

## **Employer**

The Employers eligible to participate in the State DC Plan are defined in the Colorado statutes, C.R.S. 24-52-202(5) as the State general assembly, office of a district attorney in a judicial district and any state department. State colleges and universities, any institution under the control of the board of regents of the University of Colorado, and any institution of the University of Colorado hospital authority governed by CRS 23-21-501 et seq, and their employees are NOT eligible to participate in the Plan.

Not all employers that are in PERA are eligible for the State DC Plan.

#### Plan Administrator

The Plan Administrator for the State DC Plan is:

DC Plan Administrator State of Colorado Department of Personnel Division of Human Resources 1313 Sherman Street, First Floor Denver, CO 80203

Phone: 303-866-3954 Fax: 303-866-3879

#### **Investment Providers**

As of January 1, 2006, the following Investment Providers are available under the Plan:

Great-West Life and Annuity Insurance Company 1775 Sherman Street, Suite 2820 Denver, CO 80203

Phone: 1-800-838-0457, option #2

Fax: 303-830-3531

The Hartford 7670 South Chester Street Englewood, CO 80112 Phone: 303-645-8608 Toll Free: 1-800-525-7418

Fax: 303-645-8668

ICMA Retirement Corporation 1120 Lincoln Street, Ste 709 Denver, CO 80203 Phone: 720-851-1869

Toll Free: 1-866-749-5178

Fax: 720-851-5457

#### Plan Trustee and Fiduciary

The State Deferred Compensation Committee is the trustee and fiduciary of the Plan. The Committee is established and governed by the Colorado statutes at C.R.S. 24-51-102. It is responsible for oversight of the Investment Providers and Plan Administrator. Meetings of the State Deferred Compensation Committee are open to the public and the

Committee welcomes comments and suggestions from Plan participants, either in writing or at a Committee meeting.

## Agent for Service of Legal Process

Legal process may be served on the Plan Administrator at the address listed above.

## • Plan Booklet Does Not Create Employment Contract

The only purpose of this booklet is to provide you with information about the benefits available under the Plan. The booklet is not intended to create an employment contract between you and the Employer. Nothing in this booklet should be construed as a limitation on your right or the Employer's right to terminate your employment at any time, with or without cause.

## • No Guarantees Regarding Investment Performance

Neither the Employer, the State, the Administrator, nor the Investment Provider guarantees any particular investment gain or appreciation on your Account nor guarantees your Account against investment losses or depreciation.

#### • Payment of Administrative Expenses

Generally, the expenses of administering the Plan are paid from Plan assets, unless the Employer elects to make the payment. In addition, your particular Account may be charged for the cost of administrative expenses that are attributable directly to your Account, unless the Employer elects to make the payment.

Specifically, you will be charged for the following administrative expenses:

- Investment Management Fees. Most investment funds offered by the Investment Providers charge an investment management fee to manage the underlying investments of the fund
- 12b-1 Fee Reallowances. Federal securities laws permit a mutual fund company to pay the Investment Providers a 12b-1 fee allowance as consideration for the Investment Provider performing certain administrative and marketing tasks for the mutual fund. These fee reallowances are paid out of the investment management fee associated with a particular investment.
- Administrative Fee. Some Investment Providers may charge a separate administrative fee that is deducted from your Account.
- Transaction Fees. Certain transactions, like establishing a self-directed brokerage account or retaining an investment advisor are subject to separate fees.

Administrative expenses that are allocable to your account are deducted from your account. A complete schedule of fee and administrative expenses for each Investment Provider are available in the summary materials available from the Investment Provider and on each Investment Provider's website.

#### Qualified Domestic Relations Orders

Generally, state law prohibits payment of your Account to someone other than you, unless you have died. An exception to this rule is made for qualified domestic relations orders and certain other court orders for payment of past due child support, IRS liens and restitution for theft from the State. A qualified domestic relations order may require that a portion of your Account be paid to someone other than you or your Beneficiary.

"Qualified domestic relations orders" are court judgments, decrees, etc. that pertain to child support, alimony, or marital property and that meet specific legal requirements. The Administrator has procedures for determining whether a court judgment or decree meets the specific legal requirements to be a qualified domestic relations order. You or your Beneficiary may obtain, without charge, a copy of these procedures from the Administrator.

### • Military Leave

If you return to employment following a military leave, you may be entitled to benefits under the Plan for the period that you were absent from employment. You should contact the Administrator for information regarding Plan benefits during military leave.

## **Employer Discretion**

The State of Colorado Deferred Compensation Committee has discretionary authority to interpret and construe the provisions of the Plan, to determine your eligibility for benefits under the Plan, and to resolve any disputes that arise under the Plan. The State of Colorado may delegate this authority as provided under the Plan.

#### MORE INFORMATION YOU SHOULD KNOW

The Employer makes contributions to the Plan solely for your benefit. All the assets of the Plan are held for the exclusive benefit of participants and their beneficiaries. The Plan is qualified under the Internal Revenue Code as a money purchase pension plan.

#### **GLOSSARY**

**Account** The account established to track the contributions made to the

Plan on your behalf and the investment earnings and losses on

those contributions.

Administrator The person and/or entity responsible for the day-to-day

administration of the Plan.

**Beneficiary** The person (or persons) entitled to receive distribution of your

Account if you die before your Account has been fully

distributed to you.

**Investment Provider** Referred to in statute as "Bundled Provider". These entities

provide administrative services to the Plan, offer investment funds and hold the Plan assets for the benefit of covered

employees. The entity may be a bank, an insurance company, or

a group of individuals chosen by the Committee.

Committee The State Deferred Compensation Committee appointed under

the Colorado statutes at C.R.S. 24-51-102 to serve as the

administrator, trustee and fiduciary of the Plan.

*Employer* The entity that is your employer and makes contributions to the

Plan on your behalf. Employers under the Plan are defined in C.R.S. 24-52-202(5) as the state of Colorado, the general assemble, the office of a district attorney in a judicial district and any state department. Employer does not include any state college or university, any institution under the control of the board of regents of the University of Colorado or an institution

governed by part 5, Article 21 title 23, C.R.S.

Employer

**Contribution** Any contribution that the Employer makes to your Account.

**PERA** The Colorado Public Employees Retirement Association, an

instrumentality of the State of Colorado governed by Colorado

statutes at CRS 24-51-101 et seq.

**Plan** The State of Colorado Public Officials' and Employees'

Defined Contribution Plan, referred to in this summary as the

State DC Plan.

**Plan Year** The period on which the Plan's records are kept. The Plan Year

is the 12-consecutive-month period ending each June 30.

Rollover Contribution

Any qualified cash contribution that you elect to roll over to the Plan from another eligible retirement plan or from a rollover

IRA.

Salary The compensation from the Employer that is taken into account

in determining the amount of contributions that you or the Employer can make to your Account. Salary is defined in C.R.S. 24-51-101(42). IRS rules limit the maximum salary on which contributions to the Plan can be made for your Account

each year.

Value The monetary worth of the contributions and investment

earnings and losses on such contributions in your Account. The Investment Provider as of an adjustment date determines value.

See the section titled, "VALUING YOUR ACCOUNT".